

**State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES**

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(603) 271-2900 FAX (603) 271-2456



July 29, 2004

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RETURN RECEIPT REQUESTED**

**LETTER OF DEFICIENCY
No. WMD 04-14**

Electropac Prototype, Inc.
7 Delta Drive
Londonderry, NH 03053-2348

Attn: Robert Lyle, Vice President

**Re: Electropac Prototype, Inc.
Londonderry, New Hampshire
EPA ID # NHD982195315**

Dear Mr. Lyle:

On May 11, 2004, the Department of Environmental Services, Waste Management Division ("DES") conducted an inspection of Electropac Prototype, Inc. ("Electropac") in Londonderry, NH. The purpose of the inspection was to determine Electropac's compliance status relative to RSA Ch. 147-A and the New Hampshire Hazardous Waste Rules, Env-Wm 100-1100.

As a result of the inspection, the following deficiencies in your hazardous waste management program were documented:

1. Env-Wm 502.01 – Hazardous Waste Determination

At the time of the inspection, no formal hazardous waste determination had been performed for the waste solvent rags generated at Electropac.

Env-Wm 502.01 requires that all generators of waste determine if their waste is a hazardous waste. Waste determined to be hazardous must be handled pursuant to the requirements of the Hazardous Waste Rules.

DES requests that Electropac determine whether the waste solvent rags are a hazardous waste by either applying knowledge of the hazardous properties of the waste solvent rags or by testing a representative sample of the waste solvent rags. The analyses should

include, at a minimum, the Toxicity Characteristic Leaching Procedure (TCLP) for organics using the method described in Env-Wm 403.06.

Please be advised that materials that are mixed with a listed hazardous waste are also regulated as hazardous wastes, as specified in Env-Wm 404.01(a)(1). Therefore, if the rags are used in conjunction with an F-listed solvent (e.g., tetrachloethylene, xylene) the rag is a hazardous waste. Materials that are mixed with characteristic hazardous wastes (e.g., ignitable, corrosive) are only hazardous if they continue to exhibit the characteristic after mixing has occurred, as specified in Env-Wm 404.01(a)(2).

Electropac will need to provide to DES the results of the hazardous waste determination, along with any other supporting data, such as Material Safety Data Sheets (MSDS) and/or chemical analyses.

Alternatively, Electropac may be able to manage the waste solvent rags as “contaminated cloth wipers for laundering.” DES defines “contaminated wipers” as rags, shop towels and wipers which have been used, contaminated with minor amounts of hazardous waste constituents such as solvents or oils, and are intended to be laundered before reuse. Please reference the enclosed DES Environmental Fact Sheet #WMD-HW-6, “Contaminated Cloth Wipers for Laundering,” to determine if this DES policy is applicable to your situation.

2. Env-Wm 507.01(a)(3) – Storage Requirements

At the time of the inspection, one (1) satellite container of hazardous waste “oil and flux,” stored in the Hot Air Solder Level satellite storage area was not closed. See the attached Container Inventory (“Inventory”).

Env-Wm 507.01(a)(3) requires generators to ensure that containers storing hazardous waste are closed at all times, except when waste is being added to or removed from the containers.

DES requests that Electropac ensure that containers storing hazardous waste are closed at all times, except when adding or removing waste from the containers.

3. Env-Wm 509.02(a)(1) - Inspection Requirements

At the time of the inspection, Electropac had not documented weekly inspections of the 90-day hazardous waste storage area from May 14, 2001 to July 08, 2002, for a total of 60 weeks during the 3 years prior to the inspection.

Env-Wm 509.02(a)(1), which references 40 CFR 265.15, General Inspection Requirements, requires full quantity generators to conduct and document inspections of the facility, including the hazardous waste storage area(s).

DES requested that Electropac ensure that weekly inspections of its hazardous waste storage areas are performed and documented.

Electropac has a plan in place to perform weekly inspections of its hazardous waste storage area and has performed inspections on a weekly basis since July 15, 2002. No further action is required.

4. Env-Wm 509.02(a)(2) – Personnel Training

A review of Electropac's personnel training program revealed that the training plan did not include a written job description, including requisite skills, education and duties, for positions with hazardous waste management duties. The plan also did not contain a description of the type and amount of introductory and continuing training to be given to each person filling a position with hazardous waste management duties.

Env-Wm 509.02(a)(2), which references 40 CFR 265.16, Personnel Training, requires full quantity generators to maintain a personnel training program. This includes, but is not limited to, ensuring that specific documents and records related to personnel training are maintained at the facility.

DES requests that Electropac maintain a complete written personnel training program which documents hazardous waste job titles, job descriptions (including requisite skills, education and duties), names of employees filling each position, and a description of the type and amount of introductory and continuing training to be given to each person filling a position with hazardous waste management duties (refer to the enclosed FQG Module). Please submit a copy of this personnel training program to DES.

5. Env-Wm 509.02(a)(4) – Preparedness and Prevention

At the time of the inspection, adequate aisle space was not provided for one (1) 55-gallon container of hazardous waste "oil and flux" and one (1) cubic yard box of hazardous waste "F006 Sludge" located in the Etching Room 90-day hazardous waste storage area (see the attached Inventory).

Env-Wm 509.02(a)(4), which references 40 CFR 265 Subpart C, Preparedness and Prevention, requires generators to maintain required aisle space at each hazardous waste storage area. Required aisle space is further defined in Env-Wm 509.02(e) to mean not less than 2 feet of aisle space to allow for inspection of at least one side of each container.

DES requested that Electropac maintain the required aisle space for each container of hazardous waste stored in the 90-day hazardous waste storage area.

During the inspection Electropac personnel moved the hazardous waste containers to allow for adequate aisle space. No further action is required.

6. Env-Wm 509.02(a)(5) – Contingency Plan

A review of Electropac's contingency plan revealed deficiencies regarding the following:

- (a) A physical description and a brief outline of the capabilities of emergency equipment;
- (b) Instructions to submit a written report to DES within 15 days after an incident and to include in the report the items listed in 40 CFR 265.56(j);
- (c) Instructions for the emergency coordinator to take all reasonable measures to ensure that fires, or releases of hazardous waste will not spread;
- (d) Instructions to notify DES if human health or the environment is threatened and to include in the notification the items listed in 40 CFR 265.56(d)(2)(i)-(vi); and
- (e) Instructions to notify local authorities that the facility is in compliance with 40 CFR 265.56(h)(1) & (2) before resumption of activities.

Env-Wm 509.02(a)(5), which references 40 CFR 265, Subpart D, requires full quantity generators to maintain a complete contingency plan at the site.

DES requested that Electropac revise and update its contingency plan to correct any deficiencies as identified in the enclosed Contingency Plan Module.

In a June 25, 2004 email Neil Durocher, Hazardous Waste Compliance Coordinator, submitted a revised and updated contingency plan. No further action is required.

7. Env-Wm 509.02(b) – Emergency Posting

At the time of the inspection, the emergency posting at the nearest telephone to the hazardous waste storage area failed to document the location of fire extinguishers and spill control material.

Env-Wm 509.02(b) requires that full quantity generators shall post a list of the steps to take if an emergency occurs and the following emergency numbers at the nearest telephone to the hazardous waste storage area:

- a. The emergency coordinators (home and office);
- b. The fire department, police department, and State of New Hampshire and local emergency response teams that may be called upon to provide emergency services, unless the facility has a 24-hour response team designated to provide emergency services whose number is posted; and
- c. The location of fire extinguishers and spill control material, and if present, fire and internal emergency alarms.

DES requests that Electropac post the required information at the nearest telephone to the hazardous waste storage area.

8. Env-Wm 509.03(g) – Satellite Storage Requirements

At the time of the inspection, one (1) 55-gallon satellite storage container of hazardous waste “pit sludge” observed in the Waste Water Treatment Room was not marked with the words “hazardous waste” (see the attached Inventory).

Env-Wm 509.03(g) requires that at the time the satellite storage container(s) are first used to store wastes, the hazardous waste container(s) are marked with the words “hazardous waste” and with words that identify the contents of the container(s).

DES requested that Electropac properly mark the satellite container of hazardous waste “pit sludge” with the words “hazardous waste.”

In the June 25, 2004 email, Neil Durocher stated that the container of hazardous waste “pit sludge” has been labeled with the words “hazardous waste.” No further action is required

9. Env-Wm 807.06(b)(4) - Standards for Generators of Used Oil Being Recycled

At the time of the inspection, Electropac was storing one (1) container of used oil destined for recycling, which was not labeled with the words “Used Oil for Recycle.”

Env-Wm 807.06(b)(4) requires that generators of used oil destined for recycling label their containers and tanks with the words “Used Oil for Recycle” at all times during accumulation and storage.

DES requests that Electropac label all containers of used oil destined for recycle with the words “Used Oil for Recycle” at all times during accumulation and storage.

10. Env-Wm 807.06(b)(7) – Standards for Generators of Used Oil

At the time of the inspection, Electropac had not completed a used oil determination for its generated "Used Oil for Recycle."

Env-Wm 807.06(b)(7) requires generators to conduct an initial used oil determination by analyzing it for all of the parameters specified in Env-Wm 807.02 and Env-Wm 807.03 (exclusive of PCB's if no source of PCB's is present).

DES requests that Electropac conduct an initial used oil determination for the parameters outlined in Env-Wm 807.02 and Env-Wm 807.03. These parameters include arsenic, cadmium, chromium, lead, flash point, and total halogens. Electropac should provide the results of the used oil determination to DES. Enclosed please find a summary of the used oil regulations and a list of analytical laboratories that perform the required testing.

DES believes the cited deficiencies can be corrected and a report describing the corrective measures taken by Electropac can be submitted within thirty (30) days of receipt of this letter. Supporting documentation that describes the measures taken to achieve compliance should be included with the report.

In the event compliance is not achieved within this period, DES may take further action against Electropac including issuing an order requiring that the deficiencies be corrected, initiating an administrative fine proceeding, and/or referring the matter to the New Hampshire Department of Justice for imposition of civil penalties. In addition, DES personnel may re-inspect your facility at a later date to determine whether the facility has come into, and is maintaining, full compliance with the applicable rules. Fines may be pursued for any or all violations observed during this or subsequent inspections of the facility.

The written report as requested above should be addressed as follows:

Robert Bishop, Waste Management Specialist
DES/WMD
P.O. Box 95
Concord, New Hampshire 03302-0095

Enclosed you will find a copy of the completed Hazardous Waste Generator Inspection Report which documents the compliance status of your facility at the time of the inspection. This report may also be of value to you for use in determining future compliance with the New Hampshire Hazardous Waste Rules.

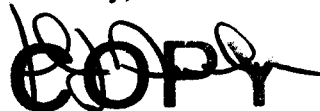
The State of New Hampshire Hazardous Waste Rules, as well as much other useful information, can be obtained from DES's website at <http://www.des.state.nh.us/hwcs/>, or by contacting the Public Information Center at (603) 271-2975.

It is the goal of DES to promote the prevention of pollution at the source as the preferred option for meeting established environmental quality goals. We strive to ensure that pollution prevention options are considered first, followed by recycling, treatment and disposal. I am requesting that the DES's Pollution Prevention Coordinator, Stephanie D'Agostino, contact you to discuss possibilities for waste minimization or source reduction at your facility. In the meantime, if you have immediate questions about pollution prevention, please feel free to contact her at 271-6398.

As a service to New Hampshire's hazardous waste generators, we maintain a Hazardous Waste Assistance Hotline which is available for you to contact our knowledgeable staff of hazardous waste inspectors. Our hazardous waste staff is available to answer your questions concerning the New Hampshire Hazardous Waste Rules and the compliance issues which affect your hazardous waste management program. The technical assistance available through the Hotline includes fact sheets that pertain to the management and recycling of specific wastes, summary sheets of specific sections of the Hazardous Waste Rules, copies of EPA and New Hampshire hazardous waste policy or regulatory interpretation letters that may benefit your operation, and networks with other state or federal agencies to answer your questions on a national level. The Hotline is available Monday through Friday, 8:00 AM to 4:00 PM at (1-866) HAZ-WAST (in-state only) or (603) 271-2942.

Should you have any questions regarding this letter, please contact the lead inspector, Robert Bishop, or Tod Leedberg, RCRA Compliance Supervisor at 271-2942. Specific questions regarding water related issues may be directed to Mary Jane Meier of DES's Water Division at 271-5553, and for air related issues, please contact Pam Monroe of DES's Air Resources Division at 271-1370. Thank you for your cooperation.

Sincerely,

A handwritten signature in black ink, appearing to read "COPY" with a stylized flourish extending from the end.

John J. Duclos, Supervisor
Hazardous Waste Compliance Section
Waste Management Division

cc: DB/RCRA/LOD/Archives
Anthony P. Giunta, P.G., Director, WMD
Gretchen Hamel, Administrator, DES Legal Unit
Neil Durocher, Electropac Prototype, Inc., 7 Delta Drive, Londonderry, NH 03053-2348

E-mail: JJD/SD/MM/PM

Enclosure: Hazardous Waste Generator Inspection Report
DES Environmental Fact Sheet #WMD-HW-6 "Contaminated Cloth Wipers for Laundering"
Summary of the Used Oil Regulations
List of Analytical Testing Laboratories

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